

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1071

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-48 IS ADDED TO THE INDIANA CODE AS A **NEW ARTICLE** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]:

ARTICLE 48. OTHER HEALTH CARE PROVIDERS AND SERVICES

Chapter 1. Anatomic Pathology Services

Sec. 1. As used in this chapter, "anatomic pathology service" means any of the following performed by a physician or under the supervision of a physician on a sample taken from a human body:

- (1) Histopathology or surgical pathology, meaning the gross and microscopic examination and histologic processing of organ tissue.**
- (2) Cytopathology, meaning the microscopic examination of cells from the following:**
 - (A) Fluids.**
 - (B) Aspirates.**
 - (C) Washings.**
 - (D) Brushings.**
 - (E) Smears.**
- (3) Hematology, meaning the microscopic evaluation of bone marrow aspirates and biopsies, and peripheral blood smears when the attending or treating physician or technologist**



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requests that a blood smear be reviewed by a pathologist.

(4) Subcellular pathology and molecular pathology, meaning the assessment of a specimen for detection, localization, measurement, or analysis of protein or nucleic acid targets.

(5) Blood banking services performed by pathologists.

Sec. 2. As used in this chapter, "physician" includes a physician group practice.

Sec. 3. As used in this chapter, "provider" means a health care provider or a clinical laboratory.

Sec. 4. As used in this chapter, "second opinion" means consultation, histologic processing, or additional testing performed on a sample by a second provider after an anatomic pathology service is performed on the sample by a first provider.

Sec. 5. (a) Except as provided in subsection (b), a provider shall not present a bill, claim, or other demand for payment for an anatomic pathology service unless the anatomic pathology service was performed:

- (1) within the provider's office;
- (2) by a physician or under the direct supervision of a physician; and
- (3) in accordance with Section 353 of the federal Public Health Service Act (42 U.S.C. 263a).

(b) If a sample taken from a human body is sent:

- (1) by a provider that has performed an anatomic pathology service; and
- (2) to a second provider for a second opinion;

the provider described in subdivision (1) may present a bill, claim, or other demand for payment for the second opinion.

Sec. 6. (a) Except as provided in subsection (b), a bill, claim, or other demand for payment permitted by section 5 of this chapter may be presented only to the following:

- (1) The patient.
- (2) The patient's insurer or other third party payer.
- (3) A government agency, or another agency or organization, that serves as a payment source on behalf of the patient.
- (4) The hospital, health clinic, public health clinic, or rural health clinic.

(b) If a provider described in section 5(b)(1) of this chapter presents a bill, claim, or other demand for payment for a second opinion as permitted by section 5(b) of this chapter, the second provider may bill the provider described in section 5(b)(1) for the second opinion.

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Sec. 7. A person is not required to reimburse a provider for charges or claims submitted in violation of this chapter.

Sec. 8. If a provider violates this chapter, the state entity that has jurisdiction over licensing or certification of the provider may revoke, suspend, or refuse to renew the license or certification of the provider.

Sec. 9. This chapter does not require assignment of benefits for an anatomic pathology service.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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